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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/800,585	03/08/2001	Tetsuya Sada	202603US2DIV	7951
22850	7590	09/01/2004	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			FORD, JOHN K	
			ART UNIT	PAPER NUMBER
			3753	

DATE MAILED: 09/01/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/800,585

Applicant(s)

Sada et al.

Examiner

John K. Ford

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Sept 26, 2003 and petition grant of April 19, 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 18 is/are rejected.
- 7) ☒ Claim(s) 19-21 is/are objected to (if steps recited in claims 19-21 are used as replacements for step (b) of claim 18)
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 08/588,309
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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Applicant's petition to revive dated September 26, 2003 has been granted (see Paper No. 12, mailed April 19, 2004). Some review of the prosecution history is deemed to be helpful.

In response to an election requirement mailed December 7, 2001, applicant elected Figure 14 (claims 15-17 at that time), with traverse, on January 3, 2002.

A first office action on the merits rejecting claims 15-17 was mailed March 29, 2002, and a first office action on the merits was mailed March 29, 2002. A request for reconsideration with regard to the rejection of claims 15-17 was received August 27, 2002 and was superceded by applicant's with an amendment received October 1, 2002 in which claims 15-17 were canceled and replaced by claims 18-21. Claims 18-21 are materially different from claims 15-17. The Examiner sent a notice of non-responsive amendment because the October 1, 2002, amendment was not signed and subsequently, (in error, based on applicant's evidence), a notice of abandonment. The application has been revived and claims 18-21 are addressed here.

Some questions remain in the Examiner's mind regarding support in the specification for claims 18-21 and the Examiner has focused great attention on Figure 14 and page 30, line 1, page 31, line 5, page 32, line 27-page 33, line 15.

Figure 14 is the only control scheme disclosed to control the apparatus of Figure 13 and Figure 13 differs from Figure 2 in that it has no second coolant supply means, only a first coolant supply means. Instead of having a second coolant supply means (at 23°C) the device disclosed in elected Fig 14 (and Fig 13) keeps the placing table 21 in a warm atmosphere of eg. 23°C as disclosed on page 30, line 6-9 (step S50)

The following is a quotation of the second paragraph of 35 U.S.C. 112:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 18 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 18, step (b) the new language "when the substrate or the placing table changes in state" appears to be misdescriptive of the elected embodiment as described on page 30 lines 9-22. In the Examiner's dictionary the most pertinent definition of the term "state" (which is not used in any part of the specification to describe the invention to the Examiner's knowledge and belief) means "a condition or mode of being with regard to a set of circumstances; position".

In the case of page ³⁰ lines 9-22, the substrate clearly undergoes a change of state (i.e. position) when placed on the placing table but if there is no change in temperature recorded by such placement (i.e. "a change of state" in the positional sense) then the coolant valves are not opened (page 30, lines 16-21) and the substrate is moved onto the next station. This disclosure is in conflict with what is claimed in paragraph (b) of claim 18 because the substrate clearly undergoes a position change (change of state) when placed on the placing table but no coolant is supplied (because, at times, the substrate is already at the target temperature).

It is submitted however, that each of claims 19-21 provide a specific disclosure finding support in the specification and can be substituted directly for the entirety of paragraph (b) of claim 18. Accordingly, claims 19-21 are objected as being allowable

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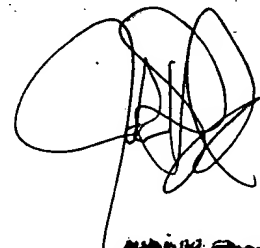
here if the respective steps recited in each of the claims 19-21 are substituted for what is recited in step (b) of claim 18.

Claims 19-21 (pursuant to the comments above) would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication should be directed to John Ford at telephone number ⁷⁰³308-2636.



John K. Ford
Primary Examiner